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MEMO ENDORSE

December 12, 2003

BY FEDERAL EXPRESS

The Honorable Richard C. Casey  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street  
Room 1950  
New York, New York 10007

MEMO ENDORSE

Re: Ashton et al. v. Al Qaeda Islamic Army et al. (No. 02-cv-6977 (MDL-1570) RCC)

Dear Judge Casey:

This firm represents Prince Mohamed al Faisal al Saud ("Prince Mohamed"), a defendant in this case. Pursuant to Local Rule 2.A., this letter asks the Court for permission to file a Motion to Dismiss on behalf of Prince Mohamed. His response to the Complaint is due January 8, 2004.

Prince Mohamed, in order to obtain prompt dismissal from this case, voluntarily agreed to waive service of process on April 20, 2003. Prince Mohamed prepared a Motion to Dismiss and, pursuant to this court's rules, requested at the May 30, 2003 status conference permission to file that motion. Although permission was not granted at that time, the Court invited the parties to submit letters describing the history and posture of the case. Prince Mohamed responded to that invitation in a letter dated June 16, 2003, in which he also renewed his request for permission to file his Motion to Dismiss. At a July 29, 2003 status conference, the Court declined to grant Prince Mohamed's request for permission to file his motion, but granted a further extension of time.

Subsequently, defendant Saudi Bin Laden Group filed before the Judicial Panel on Multidistrict Litigation a Motion to Transfer and Consolidate this and related cases under 28 U.S.C. § 1407. Given the pendency of that motion, this Court granted additional extensions of time for Prince Mohamed to obtain permission to file (and to file) his responsive motion: first until December 8, 2003, and then until thirty days after the ruling of the Judicial Panel on Multidistrict Litigation. That Panel issued an Order on December 9, 2003, transferring these related cases to this Court. Prince Mohamed's responsive pleading is now due on January 8, 2004.

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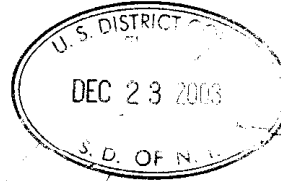
As Prince Mohamed stated in his letter to this Court of June 16, 2003, he intends to seek dismissal on the grounds of lack of personal jurisdiction and failure to state any claim upon which relief can be granted. The Complaint alleges nothing--literally nothing--that connects Prince Mohamed with the United States or the terrible events of September 11. Prior to the transfer and consolidation of these cases to this Court, Judge James Robertson dismissed claims against defendant Prince Sultan bin Abdulaziz Al-Saud in *Burnett v. Al Baraka* for lack of personal jurisdiction, because of lack of any sufficient allegations of connections with the United States or September 11. The allegations against Prince Mohamed in this case provide even less basis for asserting personal jurisdiction than the allegations Judge Robertson found wholly inadequate.

No judicial economy will be served by further postponing consideration of Prince Mohamed's motion. Responsive pleadings by several other Defendants are due at or near the same time as Prince Mohamed's. Numerous other Defendants have yet even to be served. But whether Prince Mohamed's motion is considered by itself or along with motions by one or more other Defendants, his motion will turn on the specific allegations of the Complaint relating to him and the absence of any factual allegations specific to Prince Mohamed that would even come close to supporting either the exercise of personal jurisdiction or a claim against him on the merits.

In the event that the Court decides to postpone the filing by Prince Mohamed of a Motion to Dismiss at this time, we request guidance from the Court as to how the Court wishes to proceed. As noted, his response is due on January 8, 2004. In order to avoid the need for further requests for extensions of time, the Court might consider extending the deadline for responding to the Complaint until a date certain for all Defendants whose due dates would otherwise occur before that time.

Thank you very much for considering this request.

Sincerely,



Louis R. Cohen

cc: James P. Kreindler, Esq. (via facsimile and USPS)  
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**MEMO ENDORSED**

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for filing a copy to all counsel and retaining verification of such in case file. Do not fax such verification to Chambers.

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